



Norman H. Bangertter
Governor
Suzanne Dandoy, M.D., M.P.H.
Executive Director
Kenneth L. Alkema
Director

State of Utah
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

288 North 1460 West
P.O. Box 16690
Salt Lake City, Utah 84116-0690
(801) 538-6121

m/037/013

RECEIVED

MAY 01 1991

DIVISION OF
OIL GAS & MINING

April 26, 1991

CERTIFIED MAIL
(Return Receipt Requested)

Mr. A. A. Kovschak
Manager of Geology and Mine Engineering
Umetco Mineral Corporation
P.O. Box 1029
2754 Compass Drive, Suite 280
Grand Junction, CO 81502

RE: Notice of Violation and Order Umetco
Mine Water Disposal
Number GW91-02

Dear Mr. Kovschak:

Attached you will find a Notice of Violations and Order regarding Umetco's mine water disposal practices. If you have questions regarding these actions, please contact Mr. Robert P. Barnes at (801) 538-6146.

Sincerely,

Utah Water Pollution Control Committee

Don A. Ostler, P.E.
Executive Secretary

Enclosure

DAO:RPB:rp

cc: Mr. Dave Ariotti
Southeast Dist. Health Dept.
DOGM

Q:UMETCO.LTR

UTAH WATER POLLUTION CONTROL COMMITTEE

IN THE MATTER OF UMETCO
MINERALS CORPORATION

DOCKET NUMBER GW91-02
NOTICE OF VIOLATION
AND ORDER

STATUTORY AUTHORITY

This NOTICE OF VIOLATIONS and ORDER is issued by the Executive Secretary of the UTAH WATER POLLUTION CONTROL COMMITTEE (hereinafter "the COMMITTEE") pursuant to the authority of *Utah Code Annotated (UCA 26-11-7 and 26-11-12)*.

FINDINGS

1. Umetco Minerals Corporation ("Umetco") is a corporation doing business in the State of Utah.
2. Umetco owns and/or operates a uranium/vanadium mining facility near LaSal in San Juan County, Utah. *which one?*
3. *Utah Code Annotated 26-11-8* provides in part that:

(1) "Except as provided in this chapter or rules adopted under it, it is unlawful for any person to discharge a pollutant into waters of the state or to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any wastes in a location where there is probable cause to believe they will cause pollution. Any such action is a public nuisance.

(2) It is unlawful for any person, without first securing a permit from the executive secretary as authorized by the committee, to:

(a) Make any discharge not authorized under an existing valid discharge permit;

(b) Construct, install, modify, or operate any treatment works or part thereof or any extension or addition thereto, or construct, install, or operate any establishment or extension or modification or addition to it, the operation of which would probably result in a discharge."

4. *Utah Code Annotated 26-11-2 (17) defines waters of the state as:*

" . . . all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or public health hazard, or menace to fish or wildlife, shall not be considered to be "waters of the state."

5. Past wastewater disposal practices by Umetco have included discharges either to impoundments and/or to the ground surface, in a ground water recharge area.
6. On March 12, 1991 Umetco notified the Bureau of Water Pollution Control that samples of the mine discharge taken January 22, 1991, had the following values:

<u>COMPOUND</u>	<u>REPORTED VALUE</u>	<u>STANDARD</u>
Radium 226	20 pCi/L	
Radium 228	5 pCi/L	5 pCi/L (TOTAL)

7. The values shown in above Finding No. 6 exceed ground water quality standards (R-448-6-2).
8. That Umetco had previously reported the following Radium 226 values from the treatment plant discharge from samples taken on the indicated dates:

	RADIUM 226
DATE	(pCi/L)
10/7/85	1.4
10/7/85	4.7
12/19/85	4.2
2/10/86	4.6
2/18/86	7.4
3/1/86	7.6
4/1/86	9.5
6/1/86	12
8/1/86	14
10/1/86	1
12/1/86	6.7
2/1/87	10
4/1/87	8.8
8/1/87	11
10/1/87	10
1/1/88	13
2/1/88	13
5/1/88	15
8/1/88	21
1/1/89	21
5/1/89	10
7/1/89	0.9
8/16/89	16
2/1/90	21
4/1/90	13
5/30/90	18
6/28/90	22
7/26/90	18
8/29/90	15
9/25/90	10
10/22/90	23
1/22/91	20

9. Numerous values shown in above Finding No. 8 exceed the discharge limit of 5 pCi/L required by the Construction Permit issued to Umetco Minerals Corporation on July 1, 1985, by the Utah Water Pollution Control Committee. This permit states, "The system is to consist of two parallel columns containing three feet of Dow ion exchange resin to treat approximately 75 gpm of uranium wastewater. The effluent from the ion exchange columns is to contain less than 5 pCi/L of radium and to be discharged to a series of three ponds on the Umetco lease." Furthermore, that the

values exceed the Construction Permit limit of 5 pCi/L for the periods February 18, 1986 through September, 1986; December, 1986 through April, 1989; and August 16, 1989 through January 22, 1991.

VIOLATIONS

Based upon the foregoing Findings, the following violations exist:

1. Umetco has violated *UCA 26-11-8(2) (a)* by discharging not authorized under a valid permit.
2. Umetco has violated *UCA 26-11-8(1)* by placing wastes in a location where there is probable cause to believe they will cause pollution of waters in the state: specifically Radium 226 and 228 into ground water beneath to the Umetco mining facilities.
3. Umetco has violated the terms of the Construction Permit by discharging waters with greater than 5pCi/L of Radium 226 + Radium 228 to the ponds.

ORDER

Based on the foregoing violations, UMETCO IS HEREBY ORDERED to:

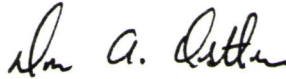
1. Submit a complete application for a ground water discharge permit in accordance with *UCA R448-6-6.1 and 6.3*, as soon as reasonably possible but no later than one year from the date of this order for any facility which discharges or would probably result in a discharge to ground water of pollutants from the Umetco mining facility.
2. Abide by the following work schedule:
 - a. Umetco will satisfactorily complete by July 1, 1991, the installation of an adequate monitoring well system to include wells located upgradient and downgradient of their discharge points per Figure 1, "Proposed Monitor Well Locations" dated April 9, 1991, submitted by Umetco.
 - b. Umetco will submit by July 1, 1991, a monitoring plan that establishes, as a minimum, a quarterly monitoring frequency.
 - c. Umetco will submit final plans for a construction permit for the selected treatment facility necessary to meet the concentration limit specified in Finding No. 6 by August 1, 1991.

Umetco Minerals
Statutory Authority
April 26, 1991

- d. Umetco will complete construction and have the treatment facility operating to design specification by January 1, 1992. You are advised that failure to comply with this ORDER is a violation of UCA 26-11-16. Any violation of the UCA, including those mentioned herein, may be subject to up to \$10,000 per day penalty per violation and up to \$25,000 per day penalty per violation for willful violations. As provided in UCA 26-11-12 you have the right to appeal this NOTICE and ORDER by submitting a written application for a hearing before the COMMITTEE within 30 days of receipt of this NOTICE and ORDER.

Dated this 19 day of April, 1991

Utah Water Pollution Control Committee



Don A. Ostler, P.E.
Executive Secretary

RPB:rp

Q:UMETCO.VIO